

### REMARKS

Claim 1 has been amended to delete the phrase “capable of” and to thereby positively recite that the dendrimers are bound to the surface. Accordingly the indefiniteness issue noted by the Examiner should be overcome. The European style “use” claims originally presented as claims 15 and 16 have been amended to recite a process, which is a statutory class of invention according to United States practice. Accordingly, the rejection under 35 U.S.C. 101 should be overcome.

Claims 1 – 4 have been rejected under 35 U.S.C. 102(b) as being anticipated by Majoral et al. EP 2 801 592. It should be noted that on the Information Disclosure Statement submitted by Applicant, the Majoral et al. patent was mistakenly identified as **EP** 2 801 592 when, in fact, Majoral et al. corresponds to **FR** 2 801 592 and a copy of this French patent document was supplied with the Information Disclosure Statement. There is no European Patent corresponding to EP 2 801 592. It is evident from the Examiner’s reference to claim pages 27 and 28 that the Examiner was referring in the Official Action to **FR** 2 801 592. This French patent corresponds to US 6,969,528 granted on November 29, 2005, a copy of which is enclosed for the purpose of providing the Examiner with an English version of the disclosure made in FR 2 801 592.

The content of Majoral et al. FR 2 801 592 (Majoral) does not anticipate the subject matter of claims 1 to 4 for the reasons which are detailed below.

Majoral relates to phosphorus-containing dendrimers and their uses, in particular as transfection agents for delivering to appropriate cells, nucleic acid sequences of interest. The phosphorus-containing dendrimers disclosed in this prior art document are of course an example of the different kinds of dendrimers which can be used according to the present invention to functionalize solid supports. However, this particular use of those dendrimers is not disclosed in Majoral FR 2 801 591.

As is explained on page 1, from lines 6 to page 2, line 32 of FR 2 801 592 (see the corresponding paragraphs in US 6,969,528 at column 1 line 10 to column 2 line 19), gene therapy is based on the therapeutic administration of nucleic acids. It requires the use of efficient and safe

vectors for the transfer of therapeutic genes and the success thereof therefore depends on the efficiency of gene transfer into the desired cells.

The aim of the invention disclosed in Majoral is to provide a new type of transfection agents not having the drawbacks of the existing transfection agents as explained in the introductory part of Majoral.

To this end, Majoral discloses a new family of polycationic phosphorus-containing dendrimers of formula (Ia) (see from page 3 line 8 to page 6 line 14 in the French document FR'591, and from column 2 line 29 to column 4 line 45 of the U.S. '528 patent).

Logically, Majoral also discloses the pharmaceutical compositions capable of acting as an agent for transfecting a nucleic acid sequence into a eukaryotic cell, said composition comprising these particular polycationic dendrimers of formula (Ia), to which is coupled a nucleic acid (FR'591 page 8, lines 20 to 24; US'528 column 6, lines 4-9).

Of course a nucleic acid does not correspond to a solid support having at least one surface covalently functionalized with phosphorus-containing dendrimers as recited in claim 1. Therefore the content of Majoral does not anticipate claim 1. The same applies to claims 2 – 4 which are dependent from claim 1. In addition, Majoral does not suggest that dendrimers could be used for functionalizing the surface of a solid support. Therefore, the pending claims fulfill the requirements of 35 U.S.C. 102 and 35 U.S.C. 103.

The rejections under 35 U.S.C. 101 and 112 having been overcome by the accompanying amendments, it is submitted that claims 1 to 16 as now presented are in condition for immediate allowance. Favorable reconsideration by the Examiner and formal notification of the allowance of these claims are solicited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this

Appl No.: 10/512,133  
Amdt. dated 03/06/2008  
Reply to Official Action of December 21, 2007

paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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**ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON March 6, 2008.**